



Department of Health

KATHY HOCHUL
Governor

JAMES V. McDONALD, M.D., M.P.H.
Commissioner

JOHANNE E. MORNE, M.S.
Acting Executive Deputy Commissioner

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Dear Colleague:

This letter and accompanying resource materials outline amendments to the New York State (NYS) Public Health Law (PHL) regarding provider reporting of human immunodeficiency virus (HIV) infection. Confidential reporting is integral to epidemiologic surveillance that evaluates the progression of HIV/AIDS in NYS. These updates enhance this work and contribute to targeted prevention efforts, focused resource management, and improved health outcomes for all New Yorkers.

The amendments to 10 NYCRR (New York Codes Rules and Regulations) sections 63.2 and 63.4:

1. Reduce the time within which HIV diagnoses must be reported from 14 days to 7 days.
2. Implement reporting of acute HIV infection (AHI), including primary HIV infection, acute retroviral syndrome, and early HIV infection, within one day (24 hours) of such determination or diagnosis.
3. Require reporting of HIV testing conducted for insurance institution underwriting decisions by clinicians under whose medical license the HIV testing is ordered.

Under the new provision to 10 NYCRR Part 63.4, physicians and other persons authorized to order diagnostic tests or make medical diagnoses, or their agents, must report any determination or diagnosis of AHI, within **one day (24 hours)** of such determination or diagnosis. The amendment defines [AHI](#) as the earliest stage of HIV disease preceding the development of detectable antibodies resulting from the viral infection. AHI is defined based on (1) laboratory testing results demonstrating the presence of p24 antigen and HIV virus (RNA or DNA), in the absence of antibodies; and/or (2) clinical evidence of documented negative testing history which includes negative or indeterminate test results within 180 days before the first confirmed positive HIV test result of any type.

Physicians and other persons authorized to order diagnostic tests or make medical diagnoses, or their agents, are required by PHL, Article 21, Title III, Section 2130 to report using the DOH-4189 Medical Provider HIV/AIDS and Partner/Contact Report Form (PRF) within **one (1) day** for AHI. For all other HIV-related diagnoses, reporting should be no later than **seven (7) days** after receipt of positive laboratory result, or after diagnosis, whichever is sooner. Given the changes in the reporting time, it is recommended that the PRF be completed electronically via the HIV/AIDS Provider Portal on the NYS Department of Health, Health Commerce System at <https://commerce.health.ny.gov>. This electronic system enables clinicians to meet their public health reporting requirements and to request timely information about their patients thought to be out of care. The attached guide provides detailed instructions for accessing the Provider Portal. Please call 518-474-4284 with additional questions.

Sincerely,

Carol-Ann Swain, PhD, Director
Bureau of HIV/AIDS Epidemiology
Division of Epidemiology, Evaluation, and Partner Services
New York State Department of Health